



Docket No.: 071971-0382

*DAC # EFW*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Hiroyuki YABUNO, et al. :  
Serial No.: 10/553,215 : International PCT No. PCT/JP04/03694  
Filed: October 13, 2005 :  
For: **DIGITAL MODULATION APPARATUS AND DIGITAL MODULATION METHOD**

**PETITION TO REVIVE UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 CFR 1.137(b)**

Attn: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants note the Notice of Abandonment mailed June 16, 2006 in the above-identified application. The Notice indicates the above-identified application became abandoned as to the United States because Applicant failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

The transmittal papers were all timely filed on October 13, 2005. You will note page 2 of the transmittal contained all the appropriate fee calculations for the application and a fee of \$2200 was indicated under the "Amount to be charged". However, the block requesting that it be charged to our Deposit Account was inadvertently not checked. The postcard (copy attached) filed with the application indicates "Charge to Deposit Account 500417". It was definitely Applicants desire to have the fees paid.

06/27/2006 SZEWDIE1 00000143 500417 10553215  
01 FC:1453 1500.00 DA

10/553,215

As the abandonment was unintentional, applicants respectfully petition for revival of the application, and authorize the required petition fee of \$1,500.00 and the filing fees of \$2200.00 to be charged to Deposit Account No. 500417.

Revival of the application, and consideration on the merits are respectfully requested. The entire delay in filing the fees from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time and petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty  
Registration No. 36,139

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**Date: June 26, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**



10/553215  
Not yet assigned

Applicant: Hiroyuki YABUJO, et al.

Docket No. 071971-0382

Serial No. Patent No.

Title: DIGITAL MODULATION APPARATUS AND DIGITAL MODULATION METHOD

Date Sent: 10/13/2005 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No.

☒ Transmittal Letter: ☐ New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☒ PCT ☐ RCE ☐ Prov

☒ Other: ☐ Letter submitting \_\_\_\_\_ pages of drawings

27 ☐ pages of Specification ☐ Req. for Approval of Drawing Amendments

7 ☐ pages of Claims ☐ Req. for Oral Hearing

1 ☐ pages of Abstract ☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

19 ☐ pages of Formal Drawings ☒ Front page of International Application

☐ Small Entity ☒ Large Entity ☒ International Search Report (English Translation)

☒ Declaration/Power of Attorney ☐ PCT/ISA/220

☐ Recordation of Assignment ☐ PCT/ISA/237

☒ Information Disclosure Statement ☐ PCT/IB/301

1 ☐ Form PTO 1449 ☐ PCT/IB/304

6 ☐ copies of cited references ☐ PCT/IB/308

☒ Preliminary Amendment ☐ PCT/IB/311

☐ Response to Missing Parts Notice ☐ PCT/IB/332

☐ Resp. to Notice to Correct App. Papers ☐ PCT/IPEA/401

☐ Certified Copy of Priority Doc. ☐ PCT/IPEA/416

☐ Claim for Convention Priority ☐ Copy of International Preliminary Examination Report

☐ Response/Amendment to Office Action of ☐ PCT Request

☐ Request for \_\_\_\_\_ month Extension of Time

Check for \$ ☒ Charge Deposit Acct. 5004177-1 \$2200.00 ME F Tkr. # 3328 Secy. or PL: SNourse

CMS Descrip.: 1-300.00 31-400.00 32-200.00 3-1300.00

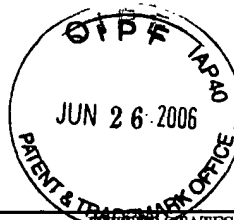
EARLY SERIAL NUMBER

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

JC04 Rec'd PCT/PTO 13 OCT 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

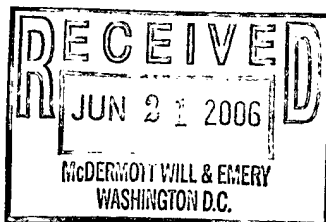


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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,215	Hiroyuki Yabuno	071971-0382

INTERNATIONAL APPLICATION NO.	
PCT/JP04/03694	
I.A. FILING DATE	PRIORITY DATE
03/18/2004	05/13/2003

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CONFIRMATION NO. 8961

371  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000019299885\*

Date Mailed: 06/16/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)